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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,582	01/10/2002	Joseph Mazzochette	14123-5	7968

7590                    03/13/2003

GLEN E. BOOKS, ESQ.  
LOWENSTEIN SANDLER PC  
65 LIVINGSTON AVENUE  
ROSELAND, NJ 07068

[REDACTED] EXAMINER

EASTHOM, KARL D

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

2832

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. <b>10/043,582</b>	Applicant(s) <b>Mazzochette</b>
	Examiner <b>Karl Easthom</b>	Art Unit <b>2832</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on Feb 19, 2003.
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) 7-9 is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-6 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some\* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
  - a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

1. Applicant's election without traverse of Group I, claims 1-6 in Paper No. 4 is acknowledged.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Berg. Berg discloses the claimed invention at Fig. 2 with electrodes 2,1 "laterally" spaced apart on the major surfaces of the body of thermistor sheets P1, P2 (laterally meaning through the thickness of the body of the thermistor - also the ends of the electrodes are laterally spaced along the major surfaces of the body of the thermistor). In claim 4, the device is "integral" where it is all connected together as one piece.

4. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sunuhara (JP 4-320301). Sunuhara discloses the claimed invention at the English abstract and Fig. 5 with electrodes 2a, 2b on opposite sides of sheet thermistor 1b and laterally spaced, plurality of thermistors 1a-1e, all electrically connected to form a circuit, or implicitly connected in a circuit

since it is a circuit device. In claim 4 the device is integral, and in claim 6, the insulating layers are 4a disposed between thermistor sheets.

5. Claims 1-2 and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiang et al. Chiang discloses the claimed invention at Fig. 5 with thermistor sheets 55, electrodes 51, 31, and insulator 53 between the layers. The apertures or vias are disclosed at par. 54 for claims 2 and 5.

6. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Abe et al. <sup>390</sup> Abe discloses the claimed invention at Fig. 2 with thermistor sheets 2a-4a, electrodes 2b, 2c, and insulator 5 between the layers. For claim 3, the thickness is disclosed at col. 3, line 50, where "about .25mm" is roughly .01 inches, or "about .001 inch or more".

7. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hogge. Hogge discloses the claimed invention at Figs. 1-2 with thermistor sheets 18, 20, electrode pairs 12B, 12A, and 16 - formed and laterally spaced on the major surfaces of 18, and vias 21 meeting claims 2 and 5. The electrode separation of Fig. 3 is performed while the device is in the unseparated stage of Fig. 1 so that the vias 21 meet the claims as noted. Or, the semicircular vias 21 of Fig. 4 meet the claim.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703)308-3306. The examiner can normally be reached on M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703)308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
KARL D. EASTHOM  
PRIMARY EXAMINER